



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 01/27/04

AGENDA ITEM 4

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Appeal of Planning Commission's Approval of Site Plan Review PL-2002-0648 and Variance PL-2003-0669 - For a Mixed-Use (Residential/Commercial) Building at 22605 Second Street and a Variance to Allow Parking within 5-foot Rear Yard Setback - Dr. Dharam Salwan (Owner)

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution denying the appeal and supporting the action of the Planning Commission's approval of the Mitigated Negative Declaration, Mitigation Monitoring Plan and the project.

DISCUSSION:

In 2001, the applicant proposed a two-story, 9,700 square-foot commercial project at the southwest corner of Second and B Streets that included parking stalls on site as well as the payment of in-lieu parking fees. The Planning Commission voted (6-1-0) to continue the project to allow time for the availability of parking in the area to be studied further.

In November 2002, the property owner submitted a new application for a building with 2,500 square feet of retail space on the ground floor and three residential condominiums on the second floor, each with approximately 1,500 square feet of living area.

The architectural design of the building is of a contemporary style with simple forms and flat surfaces emphasized for their modernity. The frieze along the top of the first story and the entablature along the top of the building display a pronounced horizontality that helps this building fit onto its long narrow site. The window and door pattern adds to the horizontal emphasis. Periodic squared columns provide vertical accents that separate the storefronts and visually break the commercial and residential functions of the building at the first floor.

The storefronts have clean lines with inset double doors and display windows on either side. A two-foot-high bulkhead forms a base for the storefronts and the building as a whole. Cantilevered structural awnings at each storefront provide weather protection for customers. The horizontal frieze above the storefronts provides for a uniform location for business signage.

A vertical tower element at the corner of B and Second Streets creates a landmark feature at this important downtown intersection. A low pyramidal roof caps it and a metal awning fans out over the corner storefront. This storefront entry faces the intersection, emphasizing the

landmark quality of the tower. The tower complements the entry feature of the commercial building at the northwest corner of the intersection.

Each residential condominium would have a tandem two-car garage, a private entry from the rear yard and a balcony over-looking the rear yard. The project exceeds the usable open space requirement. The proposed building would cover 51 percent of the lot and the remainder would be used for parking and open space.

In addition to individual garages to serve the residential components of the project, there are three parking spaces provided for the commercial space, including one space to accommodate disabled individuals. The project requires five parking stalls in addition to those proposed on the site, and the applicant proposes to satisfy the requirement for those five stalls with the payment of in-lieu fees. The City's Off-Street Parking Regulations provide for satisfying the parking requirement with the payment of in-lieu fees when adequate municipal parking is available or will be provided within a reasonable walking distance of the development, as determined by the Planning Director. The payment of fees in-lieu of providing parking is only permitted for projects in the Central Parking District. The fee per parking stall is calculated by taking into account the cost of land, grading, paving and landscaping that would be incurred when developing a parking lot in the downtown area. The applicant provided a parking study by DKS Associates (attached) that documents that parking is available throughout the day within walking distance (200 feet) of the project site. In Municipal Parking Lot Number 4 alone, there are 50 spaces available during peak use times. The Planning Director determined that the payment of in-lieu fees is appropriate due to the proximity of Municipal Park Lot No. 4.

The proposed building is situated along the Second Street and B Street property lines where 4-foot setbacks are required and between 10 and 19 feet from the church building containing social halls, classrooms and offices on the adjacent property to the west where only a 5-foot setback is required. Although the Downtown Design Plan recommends a 4-foot setback along Second and B Streets, in this instance, the building would continue an established and desired street pattern along B Street where pedestrian activity is encouraged. The location would also serve to visually anchor the corner. Furthermore, the exception may be supported because development of the property is constrained by its small size (9,755 square feet) and narrow width (less than 50 feet) and locating the building closer to Second Street would minimize impacts to the church.

If children live in the condominiums, they would attend Markham Elementary School (0.66 students), Bret Harte Intermediate School (0.12 students) and Hayward High School (0.21 students).

Variance

A variance is required to locate the loading space for the disabled parking space 3' 10" from the rear property line where 5 feet is required. The California Building Code and the Americans with Disabilities Act require that the loading area for a disabled parking space be at least 8 feet wide. This minor reduction in the setback from the adjacent church property should have a negligible impact on the church, as the area will not be used for parking. The loading space would be located in front of the gate on the church property. The reduction in the setback is offset by the larger setback and landscape area along the south property line. The parking spaces are setback 6 to 9 feet from the south side property line where only 5 feet is required. The special circumstances about the property include the narrow size of the parcel and the odd angle

of the south property line. The lot is less than 50 feet wide, which is considerably narrower than the other corner lots at the intersection of B and Second Streets. The remaining lots on the subject block on B Street have an average lot width of 77 feet. Finally, the lot is narrow due to the City taking 50 feet when Second Street was widened in the early 1960s.

At the Planning Commission hearing, objections to the project were raised by the pastor and members of the adjacent church, the owner of the commercial property at the northwest corner of B Street and Second Street, and from the owner of the single-family residence to the south. Objections centered around claims that the project would create adverse parking impacts, that access to the rear yard area of the church would no longer be possible from subject parcel, that a proposed Second Street access driveway would be unsafe, that the project is too dense, and that it would not be a desirable location for either businesses or residents.

Appeal

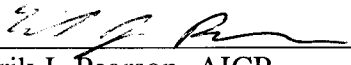
Randal F. Smith, Pastor of the adjacent church, appealed the Planning Commission's approval action. In his appeal letter (Exhibit B), Pastor Smith indicates there is inadequate downtown parking, that access to the rear gate of the church would be discontinued, that the project is too large for the site, and that the project should not have been approved over the objections of those who live and work nearby.

As indicated above, a parking study prepared by a reputable traffic engineering firm prepared a parking study which indicates that there is sufficient parking nearby. This study was reviewed by the City Engineer and found to be satisfactory.

Although the church has found it convenient to use their rear gate that opens onto subject property, there is no recorded or prescribed easement, which provides that access by right. Moreover, the church has access between their rear yard and B Street via a courtyard between the church and their annex building. Also, the church has a fence along its westerly boundary that abuts another private parking lot where arrangements might be made with that property owner for access. Nonetheless, the applicant has indicated that they would be willing to discuss this issue with the church. To date, staff is unaware of any talks between the applicant and the church. In order to provide vehicular access through the gate, the parking spaces would have to be shifted to the south.

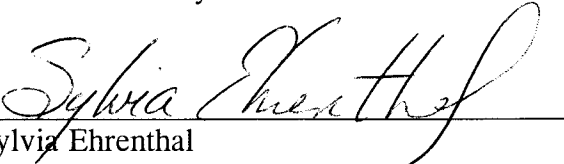
With regard to the size of the project in relation to the property, the Zoning Ordinance allows total coverage of parcels in the Central City District in order to help define street continuity, animate the street with entrances and product displays, and to allow associated parking to be more centrally located rather than in parking lots associated with individual businesses in the downtown area.

Prepared by:

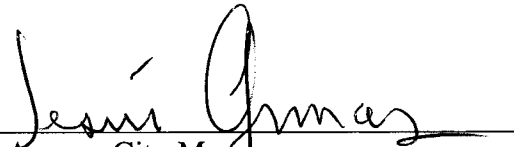


Erik J. Pearson, AICP
Associate Planner

Recommended by:


Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:


Jesús Armas, City Manager

Attachments:	Exhibit A.	Conditions of Approval as amended by Planning Commission
	Exhibit B	Planning Commission Staff Report and Meeting Minutes, dated December 11, 2003
	Exhibit C.	Letter of Appeal, dated December 19, 2003
	Exhibit D.	Aerial Photo Plans Draft Resolution

1/22/04

CITY OF HAYWARD
PLANNING DIVISION
SITE PLAN REVIEW & VARIANCE APPROVAL
As amended by Planning Commission on 12/11/03

December 11, 2003

Site Plan Review Application No. PL-2002-0648 & Variance No. PL-2003-0669:
Request to Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and a Variance to Allow Parking within 5-foot Rear Yard Setback – Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)/ Dr. Dharam Salwan (Owner)

The property is located at 22605 Second Street, at the corner of B Street, in a Central City-Commercial (CC-C) Zoning District

CONDITIONS OF APPROVAL:

1. Site Plan Review Application No. PL-2002-0648 and Variance Application No. PL-2003-0669, are approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void two years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the site plan review and variance approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review and variance approvals.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
5. Prior to application for a Building Permit, the following changes shall be made to the plans:

- a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b) Show that an exterior hose bib will be provided in the rear yard area.
 - c) The plans shall show that pavement at the driveway entry will be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.
 - d) Mailboxes shall be included on the plans and should be integrated into the building.
 - e) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall be decorative and shall reflect the architectural style of the building. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of the building.
 - f) Include detailed landscaping and irrigation plans for all common areas.
 - g) Grading and improvement plans shall be submitted for approval by the Planning Director.
 - h) Plans shall show that all utilities will be installed underground.
 - i) Details of the trash enclosure including a solid roof with colors and materials to match the main building. Trash enclosure shall be attached to corner of main building.
 - j) Access from garages to rear yard shall be changed to allow access directly into units or into the rear yard.
6. Prior to issuance of a Building Permit:
- a) Documentation including, but not limited to Covenants, Codes and Restrictions shall be recorded to establish the living units and the retail space as condominiums.
 - b) Any underground structures must be removed to the satisfaction of the Hayward Fire Department and final approval of the Phase 1 and Phase 2 reports shall be obtained. The applicant may contact Hugh Murphy, Hazardous Materials Coordinator, at (510)-583-4924 for additional information.

- c) The project, as approved, shall be required to maintain 3 open parking spaces. The remaining 5 required parking spaces may be provided by the payment of in-lieu fees (\$28,075 per space), or at an off-site facility within 500 feet of the building (subject to approval of an Administrative Use Permit), or by any combination of these methods.
 - d) Submit and obtain approval for a sign program for the identification of the retail tenants.
 - e) The developer shall submit a soils investigation report to the satisfaction of the City Engineer.
- 7. Grading and construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work shall be done on Sundays or national holidays.
 - 8. The applicant or homeowners/commercial association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 10 days of occurrence.
 - 9. Any satellite dishes shall be located as near as possible to the center of the roof to limit visibility from the ground.
 - 10. The garage of each unit shall be maintained for parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors. This requirement shall be incorporated into the CC&Rs.
 - 11. The open parking spaces shall not be used by residents of the condominiums during hours that the retail businesses are open. The residents shall not use the open parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These spaces shall be monitored by the homeowners/commercial association. The homeowners/commercial association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.
 - 12. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
 - 13. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.

14. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
15. A fence shall not be installed between the mixed-use building and the church building for the length of the church building. The existing fence at the south end of the church building may remain.
16. A wood good-neighbor fence shall be installed by the developer along the south property line. The fence shall not be taller than 6 feet and the design and setback from Second Street shall be determined by the Planning Director in concert with the adjacent property owner.
17. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

Landscaping:

18. Prior to the approval of improvement plans, or issuance of a building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.
19. One 24" box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122. Tree grates shall be installed around each street tree.
20. The existing street tree shall be preserved.
21. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
22. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
23. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.
24. A landscape buffer including shrubs and one 15-gallon tree for every 20 lineal feet of property line shall be planted along the interior property lines.
25. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line to the extent possible throughout the construction period and shall be maintained in a healthy condition throughout the construction period.

26. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
27. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
28. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas.
29. Park Dedication In-Lieu Fees are required for each new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.

Engineering:

30. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants to the maximum extent practicable.
31. The proposed driveway flare shall be at least 5 feet away from the existing street tree (20 inches in diameter).
32. The existing driveway along "B" Street shall be removed and replaced with standard curb, gutter and sidewalk.
33. The existing curb and gutter along Second Street (42 feet +/-) that is lifted by the existing tree shall be removed and replaced.
34. All "No Parking" signs that interfere with the proposed improvements shall be relocated as directed by the City Traffic Engineer.
35. Any broken sidewalk along the property frontage that creates a tripping hazard shall be removed and replaced.
36. Area drains shall be installed in the parking area to avoid surface runoff from flowing across the sidewalk and/or driveway areas.
37. Show on the plan the proposed location of the sanitary sewer laterals and water services. The minimum separation between sanitary sewer lateral and water service shall be 6 feet. Each residential unit is required to have a separate sewer lateral and water meter.
38. An Encroachment Permit shall be required prior to the start of any work within the public right-of-way. Improvement plans shall be reviewed and approved by the City Engineer and all improvements shall be designed to conform to the City Standard Plans.

Fire Department:

39. A building address shall be installed on the structure so as to be visible from the street.
40. The structure will be required to have an automatic fire sprinkler system installed throughout the building, including the parking garage, as per NFPA 13 and 24 Standards.
41. Portable fire extinguishers shall be installed in each retail space and within the service and parking garage areas. Fire extinguisher size, type and location shall be approved by the fire department.
42. Each residential unit shall have smoke detectors installed per the California Building Code.
43. Retail spaces shall not be allowed to use and/or store any hazardous materials and/or conduct any processes that will involve the use of such hazardous materials unless reviewed and approved by the fire department.

Solid Waste & Recycling:

44. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
45. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.
46. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 12/11/02.

Utilities:

47. A Reduced Pressure Backflow Prevention Assembly shall be installed as per City of Hayward Standard Detail 202 on all commercial, domestic and irrigation water meters.
48. Installation of separate water meters is recommended to avoid sewer charges for irrigation consumption and to avoid commercial sewer rates for the residential units.
49. Show Gallon Per Minute Demand on plans to determine proper meter sizes for commercial, residential and irrigation water use.
50. Show on plans the location of proposed water meters. Water meters are to be located two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code.

51. Add following notes to plans:
- (a) Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
 - (b) **Only Water Distribution Personnel** shall perform operation of valves on the Hayward Water System.
 - (c) Water and Sewer service available subject to standard conditions and fees in effect at time of application.

General:

52. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.



CITY OF HAYWARD AGENDA REPORT

Meeting Date 12/11/03
Agenda Item 1

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: **Site Plan Review No. PL-2002-0648 & Variance No. PL-2003-0669** – Request to Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and a Variance to Allow Parking within 5-foot Rear Yard Setback – Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)/ Dr. Dharam Salwan (Owner)

The property is located at 22605 Second Street, at the corner of B Street, in a Central City-Commercial (CC-C) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Adopt the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; and
2. Approve the site plan review and variance applications subject to the attached findings and conditions.

BACKGROUND

On July 26, 2001, the Planning Commission reviewed a project for this site that included a 9,700 square foot building with retail space on the ground floor and office space on the second floor. The project was required to have 31 parking spaces and only 8 were proposed on the site. The applicant had proposed to pay in-lieu fees for 23 spaces. The Planning Commission and members of the public raised concerns that there would not be enough parking to serve the building. The Commission voted (6-1-0) to continue the project to allow time for the availability of parking in the area to be studied further. A parking study was not submitted in a timely manner and the application was closed on July 16, 2002.

DISCUSSION

On November 14, 2002, the owner submitted a new application requesting to build a 8,812 square foot mixed-use building with 2,500 square feet of retail space on the ground floor and three condominiums on the second floor, each with approximately 1,500 square feet of living

area. The processing of this application has been prolonged due to delayed responses to staff's requests for revised plans and studies. The General Plan designation for the property is Retail and Office Commercial (ROC), where mixed retail and office uses are encouraged. The property is located in a Central City-Commercial (CC-C) Zoning District, which allows residential dwelling units as a primary use when located above a first floor commercial use. The Downtown Design Plan allows residential densities up to 65 units per acre. The proposal for three units on the 9,755 square foot lot would have a density of approximately 13 units per acre. No Parcel Map is required as part of the application as any condominium project with four or fewer units is exempt from City and State subdivision requirements.

The property is located on the southwest corner of B Street and Second Street. On the northwest and northeast corners are commercial buildings with retail and office uses. On the southeast corner is an apartment building. Adjacent to the site to the west is the First United Methodist Church and to the south is a single-family residential property.

The building is designed in a contemporary architectural style. Large windows along Second Street and B Street are shown for the retail spaces. The plans include an attractive tower element on the corner of the building that would compliment the tall entry feature on the commercial building on the northwest corner of the street intersection. The Second Street elevation has a horizontal band suitable for the installation of signs identifying the retail tenants. Each condominium would have a tandem two-car garage, a private entry from the rear yard and a balcony over-looking the rear yard. The floor plans show that two of the garages have access only from the large garage door facing the driveway. The applicant has agreed to a condition of approval requiring access to the garages either directly from the interior of each unit or from the rear yard area where there would be a secure walkway connecting the garage and living space entrances. There is one street tree on Second Street and it will be protected. The developer will add more street trees as well as landscaping throughout the parking lot and rear yard area.

Although the Downtown Design Plan recommends a 4-foot setback, the mixed-use building is proposed with no setback from the Second Street and B Street property lines. In staff's opinion, the building would continue an established and desired street pattern along B Street where pedestrian activity is encouraged. Although parts of the building would have no setback, the building has considerable relief along the property lines. The building would have storefront windows setback 2 feet and doors setback 3 feet from the Second Street property line. The windows and doors in the area of the corner would be setback 4 to 6 feet from the property line. Furthermore, the exception may be supported because development of the property is constrained by its small size (9,755 square feet) and narrow width (less than 50 feet) and locating the building closer to Second Street would minimize impacts to the church. In June of this year the Commission approved a similar exception for a commercial building on Main Street at Hotel Avenue.

The project significantly exceeds the minimum open space required. A minimum of 100 square feet of open space per unit is required, 30 square feet of which must be group open space. The plans show that 1,669 square feet of group open space would be provided, however, only about 880 square feet meets the minimum dimension of 20 feet in any direction for group open space.

Each condominium would have an approximately 70 square foot balcony on the rear side of the building facing the church. The minimum size for a balcony is 60 square feet.

If children live in the condominiums, they would attend Markham Elementary School (0.66 students), Bret Harte Intermediate School (0.12 students) and Hayward High School (0.21 students). When the General Plan was adopted, the Hayward Unified School District determined that these numbers of children could be accommodated at these schools.

The formation of a homeowners/commercial association for the three units and for the retail owner(s) and the creation of Conditions, Covenants, and Restrictions (CC&R's) would be required to cover the maintenance of the parking area and common area landscaping. The common area landscaping includes landscaping around the parking lot as well as the rear yard area.

Parking

Each condominium has a tandem two-car garage, which more than satisfies the minimum requirement of one and a half spaces per unit. The project is located within the Central Parking District where the Planning Director may permit tandem parking when both spaces are assigned to the same dwelling unit and are enclosed within a garage. There have been numerous other projects approved downtown with tandem parking and in this case, the tandem garages are justified in part due to the small, narrow lot size. There are 8 parking spaces required for the 2,500 square foot retail area and 3 open parking spaces are proposed on site. The project is deficient five parking spaces and will have a much smaller impact on nearby parking facilities than the previous proposal, which was deficient twenty-three spaces, would have had.

Section 10-2.413 of the City's Off-Street Parking Regulations allows the payment of an in-lieu fee when all the required parking cannot be provided on-site. The Ordinance states that such payments shall only be accepted when adequate municipal parking is available within a reasonable walking distance of the proposed development. With the previous proposal, the Commission was concerned that there may not be parking available in the area to accommodate the extra parking demand in the short term. In response, the applicant has prepared a parking study (attached) that documents that parking is available throughout the day within walking distance (200 feet) of the project site. In Municipal Parking Lot Number 4 alone, there are 50 spaces available during peak use times.

When the current application was submitted, the plans included two off-site parking lots that could serve the employees and customers of the retail spaces. The two off-site parking areas were removed from the application after staff expressed concerns about accessibility to the lots and maneuverability of vehicles on the lots. The applicant would, however, like to maintain the option of applying for an Administrative Use Permit at a later date to provide all or some of the five parking spaces at other locations rather than paying the in-lieu fee. The conditions of approval include this option.

There is a bus stop located directly across Second Street, which is served AC Transit bus route numbers 80, 92, 94 and 95 – all of which serve the Hayward BART station and route 92 serves

California State University Hayward. The project site is also approximately a one half-mile walk from the Hayward BART station.

Variance

A variance is required to locate the loading space for the disabled parking space 3 feet, 10 inches from the rear property line where 5 feet is required. The California Building Code and the Americans with Disabilities Act require that the loading area for a disabled parking space be at least 8 feet wide. This minor reduction in the setback from the adjacent church property should have a negligible impact on the church as the area will not be used for parking. The reduction in the setback is offset by the larger setback and landscape area along the south property line. The parking spaces are setback 6 to 9 feet from the south side property line where only 5 feet is required. The special circumstances about the property include the narrow size of the parcel and the odd angle of the south property line. The lot is less than 50 feet wide, which is considerably narrower than the other corner lots at the intersection of B and Second Streets. The other three corner lots average 134 feet in width. The remaining lots on the subject block on B Street have an average lot width of 77 feet. No other commercial properties on the B Street block face have on-site parking. Finally, the lot is narrow due to the City taking 50 feet when Second Street was widened in the early 1960's.

Public Notice

On November 19, 2002, an Official Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Chamber of Commerce, the Downtown Business Improvement Advisory Board, the Hayward Area Planning Association and the Upper "B" Street Neighborhood Task Force.

A letter was received from Lupe Compean, owner of property at the northwest corner of B Street and Second Street. Ms. Compean is generally opposed to the City accepting payment of in-lieu fees for parking because she believes that people will use her parking lot without permission. The parking analysis shows that there are other locations in the same block where parking is typically available, so people should not have a need to use the private lot across the street.

Staff recently met with a representative of the First United Methodist Church to discuss the current plans. The representative noted that the location of the proposed building has improved, but their primary concerns continue to be access to the gate and overall parking availability in the area. The church raised several objections in a letter dated December 2, 2002:

- The church would like to maintain access to a gate located at the southwest corner of the project site. The church does not have an easement to guarantee access through the applicant's property. The applicant has not designed the project to allow access to the gate.
- The church is concerned that the building is too tall and would block all light and air circulation to the east side of the church building. The plans reviewed by the church showed a setback of 5 to 9 feet from the rear property line. The plans have since been

revised to provide a 10 to 19-foot setback. Also, the building would be 28 feet tall. The Downtown Design Plan allows buildings to be 55 feet tall in this area.

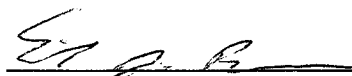
- The church contends that its signage on the northeast corner of the building would be obscured. The proposed building would block the sign from view. Although the sign was installed with a permit, the Sign Ordinance only allows signs facing a street, parking lot or other public space. Because the lot adjacent to the church will no longer be used for parking, the sign will become nonconforming with respect to the Ordinance. The church has three signs facing B Street that would still be visible.
- There may be underground tanks on the site left by the former Kelly Gasoline Station. Phase 1 and Phase 2 reports have been prepared and reviewed by the Hazardous Materials Division of the Hayward Fire Department. It has been made a condition of approval that any structures remaining underground shall be removed to the satisfaction of the Hayward Fire Department prior to construction.
- The Church states that parking for persons attending church activities will be seriously restricted. The church has been paying the property owner for the right to park two cars on the subject property on a month-to-month agreement. As documented in the attached parking analysis, the loss of the two parking spaces can easily be accommodated by other nearby parking facilities.

On November 21, 2003, a Notice of Public Hearing for the Planning Commission meeting was mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

CONCLUSION

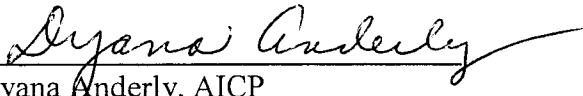
The proposed project is consistent with the City's Design Guidelines and the Downtown Design Plan. The proposal would create an attractive, mixed-use project that will improve the appearance of this corner lot and would bring needed housing to downtown. Staff recommends that the Planning Commission approve the proposal.

Prepared by:



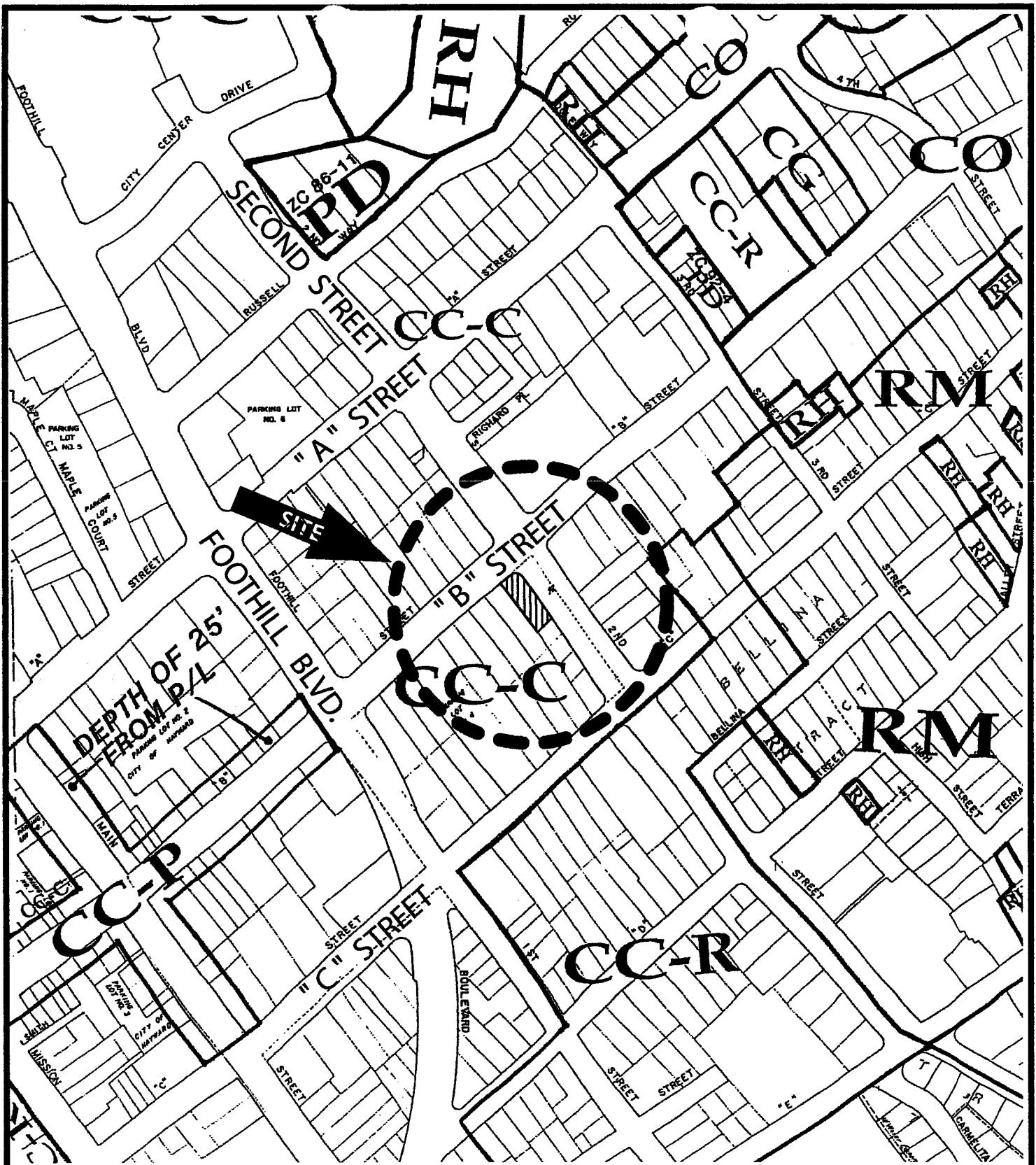
Erik J. Pearson, AICP
Associate Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Approval of Site Plan Review Application
- C. Conditions of Approval for Site Plan Review Application
- D. Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan
- E. Letters from Neighbors
Plans



Area & Zoning Map

PL-2002-0648/0649 SPR/AUP

Address: 22605 2nd Street

Applicant: Sanjiv Bhandari

Owner: Dr. Dharam Salwan

CC-C-Central City-Commercial

CC-P-Central City-Plaza

CC-R-Central City-Residential

CG-General Commercial

CO-Commercial Office

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4



**CITY OF HAYWARD
PLANNING DIVISION
SITE PLAN REVIEW & VARIANCE APPROVAL**

December 11, 2003

Site Plan Review Application No. PL-2002-0648 & Variance No. PL-2003-0669: Request to Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and a Variance to Allow Parking within 5-foot Rear Yard Setback – Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)/ Dr. Dharam Salwan (Owner)

The property is located at 22605 Second Street, at the corner of B Street, in a Central City-Commercial (CC-C) Zoning District

Findings for Approval:

- A. That approval of Site Plan Review Application No. PL-2002-0648 and Variance Application No. PL-2003-0669, as conditioned, will not cause a significant impact on the environment as documented in the Initial Study. A Mitigated Negative Declaration has been prepared per the California Environmental Quality Act Guidelines.).

Site Plan Review

- B. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the proposal continues the storefront street pattern existing along B Street.
- C. The development takes into consideration physical and environmental constraints in that any underground equipment and/or hazardous materials will be required to be disposed of to the satisfaction of the Hayward Fire Department.
- D. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines and the Downtown Design Plan.
- E. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that retail and residential use of the property is expected to few if any external impacts.

Variance

- F. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints such as the narrow

ATTACHMENT B

shape of the lot and the fact that the current lot size is the result of the widening of Second Street. The lot is significantly narrower than other commercial properties on this portion of B Street.

- G. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification in that the current state and federal laws require larger loading spaces than were required of older existing parking lots.
- H. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Other parking lots in the area would be given the same consideration for disabled loading spaces within the required setback area.

**CITY OF HAYWARD
PLANNING DIVISION
SITE PLAN REVIEW & VARIANCE APPROVAL**

December 11, 2003

Site Plan Review Application No. PL-2002-0648 & Variance No. PL-2003-0669: Request to Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and a Variance to Allow Parking within 5-foot Rear Yard Setback – Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)/ Dr. Dharam Salwan (Owner)

The property is located at 22605 Second Street, at the corner of B Street, in a Central City-Commercial (CC-C) Zoning District

CONDITIONS OF APPROVAL:

1. Site Plan Review Application No. PL-2002-0648 and Variance Application No. PL-2003-0669, are approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void two years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the site plan review and variance approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review and variance approvals.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
5. Prior to application for a Building Permit, the following changes shall be made to the plans:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.

- b) Show that an exterior hose bib will be provided in the rear yard area.
- c) The plans shall show that pavement at the driveway entry will be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.
- d) Mailboxes shall be included on the plans and should be integrated into the building.
- e) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of the building.
- f) Include detailed landscaping and irrigation plans for all common areas.
- g) Grading and improvement plans shall be submitted for approval by the Planning Director.
- h) Plans shall show that all utilities will be installed underground.
- i) Details of the trash enclosure including a solid roof with colors and materials to match the main building. Trash enclosure shall be attached to corner of main building.
- j) Access from garages to rear yard shall be changed to allow access directly into units or into the rear yard.

6. Prior to issuance of a Building Permit:

- (a) Documentation including, but not limited to Covenants, Codes and Restrictions shall be recorded to establish the living units and the retail space as condominiums.
- (b) Any underground structures must be removed to the satisfaction of the Hayward Fire Department and final approval of the Phase 1 and Phase 2 reports shall be obtained. The applicant may contact Hugh Murphy, Hazardous Materials Coordinator, at (510)-583-4924 for additional information.
- (c) The project, as approved, shall be required to maintain a base level of parking at 8 open spaces. These spaces may be provided on-site, by the payment of in-lieu fees (\$28,075 per space), or at an off-site facility within 500 feet of the building (subject to approval of an Administrative Use Permit), or by any combination of these methods.

- (d) Submit and obtain approval for a sign program for the identification of the retail tenants.
 - (e) The developer shall submit a soils investigation report to the satisfaction of the City Engineer.
7. Grading and construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work shall be done on Sundays or national holidays.
 8. The applicant or homeowners/commercial association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 10 days of occurrence.
 9. Any satellite dishes shall be located as near as possible to the center of the roof to limit visibility from the ground.
 10. The garage of each unit shall be maintained for parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors. This requirement shall be incorporated into the CC&Rs.
 11. The open parking spaces shall not be used by residents of the condominiums during hours that the retail businesses are open. The residents shall not use the open parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These spaces shall be monitored by the homeowners/commercial association. The homeowners/commercial association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.
 12. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
 13. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
 14. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
 15. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

Landscaping:

16. Prior to the approval of improvement plans, or issuance of a building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and

submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.

17. One 24" box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
18. The existing street tree shall be preserved.
19. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
20. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
21. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.
22. A landscape buffer including shrubs and one 15-gallon tree for every 20 lineal feet of property line shall be planted along the interior property lines.
23. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line to the extent possible throughout the construction period and shall be maintained in a healthy condition throughout the construction period.
24. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
25. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
26. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas.
27. Park Dedication In-Lieu Fees are required for each new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.

Engineering:

28. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants to the maximum extent practicable.
29. The proposed driveway flare shall be at least 5 feet away from the existing street tree (20 inches in diameter).
30. The existing driveway along "B" Street shall be removed and replaced with standard curb, gutter and sidewalk.
31. The existing curb and gutter along Second Street (42 feet +/-) that is lifted by the existing tree shall be removed and replaced.
32. All "No Parking" signs that interfere with the proposed improvements shall be relocated as directed by the City Traffic Engineer.
33. Any broken sidewalk along the property frontage that creates a tripping hazard shall be removed and replaced.
34. Area drains shall be installed in the parking area to avoid surface runoff from flowing across the sidewalk and/or driveway areas.
35. Show on the plan the proposed location of the sanitary sewer laterals and water services. The minimum separation between sanitary sewer lateral and water service shall be 6 feet. Each residential unit is required to have a separate sewer lateral and water meter.
36. An Encroachment Permit shall be required prior to the start of any work within the public right-of-way. Improvement plans shall be reviewed and approved by the City Engineer and all improvements shall be designed to conform to the City Standard Plans.

Fire Department:

37. A building address shall be installed on the structure so as to be visible from the street.
38. The structure will be required to have an automatic fire sprinkler system installed throughout the building, including the parking garage, as per NFPA 13 and 24 Standards.
39. Portable fire extinguishers shall be installed in each retail space and within the service and parking garage areas. Fire extinguisher size, type and location shall be approved by the fire department.
40. Each residential unit shall have smoke detectors installed per the California Building Code.
41. Retail spaces shall not be allowed to use and/or store any hazardous materials and/or conduct any processes that will involve the use of such hazardous materials unless reviewed and approved by the fire department.

Solid Waste & Recycling:

42. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
43. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.
44. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 12/11/02.

Utilities:

45. A Reduced Pressure Backflow Prevention Assembly shall be installed as per City of Hayward Standard Detail 202 on all commercial, domestic and irrigation water meters.
46. Installation of separate water meters is recommended to avoid sewer charges for irrigation consumption and to avoid commercial sewer rates for the residential units.
47. Show Gallon Per Minute Demand on plans to determine proper meter sizes for commercial, residential and irrigation water use.
48. Show on plans the location of proposed water meters. Water meters are to be located two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code.
49. Add following notes to plans:
 - (a) Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
 - (b) **Only Water Distribution Personnel** shall perform operation of valves on the Hayward Water System.
 - (c) Water and Sewer service available subject to standard conditions and fees in effect at time of application.

General:

50. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.



CITY OF HAYWARD MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Site Plan Review Application No. PL-2002-0648 & Variance No. PL-2003-0669 – Request to Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and Variances to Allow Parking within 5-foot Rear Yard Setback and to Construct the Building with No Setback from the Street Frontages Where 4-Feet Is Required. Sanjiv Bhandari for BKBC Architects, Inc. (Applicant), Dr. Dharam Salwan (Owner). The property is located at 22605 2nd Street, at the corner of B Street in Hayward, California.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

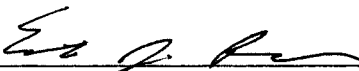
The proposed project could not have a significant effect on the environment.

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site contains no such habitat and it is surrounded by urban uses.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.

7. The project site is not located within a "State of California Earthquake Fault Zone", however, construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff.
10. The project is consistent with the policies of the City General Policies Plan, the Downtown Design Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.
12. The project will not have a significant noise impact.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

I. ***PERSON WHO PREPARED INITIAL STUDY:***



Erik J. Pearson, AICP Associate Planner
Dated: November 20, 2003

II. ***COPY OF INITIAL STUDY IS ATTACHED***

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4210, or e-mail erik.pearson@ci.hayward.ca.us.

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title: Site Plan Review No. PL-2002-0648 & Variance No. PL-2003-0669 – Request to Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and Variances to Allow Parking within 5-foot Rear Yard Setback and to Construct the Building with No Setback from the Street Frontages Where 4-Feet Is Required. Sanjiv Bhandari for BKBC Architects, Inc. (Applicant), Dr. Dharam Salwan (Owner).

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact persons and phone numbers: Erik J. Pearson, Associate Planner (510) 583-4210

Project location: The property is located at 22605 2nd Street, at the corner of B Street in Hayward, California.

Project sponsor's name and address:
Sanjiv Bhandari
BKBC Architects Inc
1371 Oakland Blvd., Suite 101
Walnut Creek, CA 94596-8493

General Plan: Retail and Office Commercial (ROC)

Zoning: Central City-Commercial (CC-C)

Description of project: Proposal to construct a mixed-use building with 2,500 square feet of retail space on the ground floor and 3 residential condominiums on the second floor. Three tandem two-car garages at ground level will be included in the building.

Surrounding land uses and setting: On the northwest and northeast corners are commercial buildings with retail and office uses. On the southeast corner is an apartment building. Adjacent to the site to the west is the First United Methodist Church and to the south is a single-family residential property.

Other public agencies whose approval is required: None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Erik J. Pearson, AICP Associate Planner

November 20, 2003

Date

City of Hayward

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>Comment: The project will not affect any scenic vista.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>Comment: The project will not damage scenic resources.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>Comment: The project will not substantially degrade the existing visual character or quality of the site and its surroundings.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i>Comment: Specific lighting plans have not yet been reviewed.</i> <i>Mitigation: A lighting plan will be required to show that light fixtures will only illuminate the site and not the sky above it or surrounding properties.</i> <i>Implementation of this mitigation measure will reduce light and glare impacts to a level of insignificance</i> <i>Monitoring: Condition of Approval</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? <i>Comment: The project site does not contain farmland.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? <i>Comment: The project is not located in an agricultural district nor an area used for agricultural purposes.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporation | Less Than
Significant
Impact | No
Impact |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------------------------------------|------------------------------------|-------------------------------------|
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: The project area does not contain agricultural uses or farmland, See II b.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comment: The project will not conflict with the Bay Area 2000 Clean Air Plan or the City of Hayward General Plan policies relating to Air Quality.

Comments: The Bay Area air basin currently exceeds both federal and state standards for ozone and state standards for particulate matter <10 microns in diameter (PM10). The project is of a relatively small scale and is not expected to generate enough vehicle trips to make a significant contribution to the existing air quality violation.

Impacts: Air pollutants, especially suspended particulates, would be generated intermittently during the construction period. This is a potentially significant impact.

Mitigation Measure: In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.

Implementation of this mitigation measure will reduce air quality impacts to a level of insignificance.

Monitoring: Condition of Approval

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comment: Due to the small scale of the project, impacts to air quality will not be cumulatively considerable.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations? <i><u>Comment:</u> The project will not expose sensitive receptors to substantial pollutant concentrations.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people? <i><u>Comment:</u> The project will not create objectionable odors affecting a substantial number of people.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? <i><u>Comment:</u> The property is vacant and surrounded by urban uses. There is no evidence of any candidate, sensitive, or special status species.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? <i><u>Comment:</u> The site contains no riparian or sensitive habitat.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? <i><u>Comment:</u> The site contains no wetlands.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? <i><u>Comment:</u> The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? <i><u>Comment:</u> The project is in conformance with the General Policies Plan and will conform to the requirements of the Tree Preservation Ordinance.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? <i><u>Comment:</u> There are no habitat conservation plans affecting the property.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: No known historical resources exist on-site.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: No known archaeological resources exist in on-site.

Impacts: If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures.

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: No known paleontological resources exist on-site.

- d) Disturb any human remains, including those interred outside of formal cemeteries?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comments: No known human remains are located on-site.

Impacts: If any remains are found, all work will be stopped and police called to investigate.

VI. GEOLOGY AND SOILS -- Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project is not located within the Hayward Fault Zone.

- ii) Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The site is not located within a "State of California Earthquake Fault Zone". The project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.

Impacts: Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. This impact is considered less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction? <i><u>Comment:</u> Liquefaction and differential compaction is not considered to be likely on this site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? <i><u>Comment:</u> The project is not located within an area subject to landslides.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? <i><u>Comment:</u> The Engineering Division will ensure that proper erosion control measures are implemented during construction.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <i><u>Comment:</u> See comment VI (a)(i).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <i><u>Comment:</u> Prior to issuance of a building permit, engineering and building staff will review a soils investigation report to ensure that the building foundations are adequately designed for the soil type on-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? <i><u>Comment:</u> The site would be connected to the City of Hayward sewer system.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
<i><u>Comment:</u> There is no evidence of hazardous materials at the site nor will hazardous materials be used or transported at or near the site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
<i><u>Comment:</u> See VII a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <i><u>Comment:</u> See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i><u>Comment:</u> See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <i><u>Comment:</u> The project is not located within an airport zone.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <i><u>Comment:</u> See VII e.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <i><u>Comment:</u> The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? <i><u>Comment:</u> The project is not located in an area of wildlands and is not adjacent to wildlands.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY -- Would the project: a) Violate any water quality standards or waste discharge requirements? <i><u>Comment:</u> The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Comment:</u> <i>The site will be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Recharge of the groundwater table will be decreased as the proposal involves increasing the percentage of the site covered with impervious surfaces. This impact is deemed insignificant as there are no known wells nearby that would see a drop in production.</i>				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The project is not located near a stream or a river. Development of the site will not result in substantial erosion or siltation on-or off-site.</i>				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The project is within an urban area and runoff will leave the site via the City's storm drain system. Drainage patterns on the site will not cause flooding.</i>				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a.</i>				
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>See VIII a.</i>				
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>According to FEMA Flood Insurance Rate Maps (panel # 065033-0003E dated 2/9/00), this site is not within the 100-year flood hazard area.</i>				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>See VIII g.</i>				

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i><u>Comment:</u> The site is not within the 100-year flood zone, is not near any levees and is not located downstream of a dam.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? <i><u>Comment:</u> The project is not in a location that would allow these phenomena to affect the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community? <i><u>Comment:</u> The project will not physically divide the existing community. The small site is currently vacant and is surrounded by urban uses.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? <i><u>Comment:</u> The area is designated on the General Policies Plan Map as Retail and Office Commercial (ROC). The ROC designation and the current zoning designation of Central City Commercial (CC-C) both allow retail and residential uses.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <i><u>Comment:</u> See IV f.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. MINERAL RESOURCES – Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? <i><u>Comment:</u> The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? <i><u>Comment:</u> See X a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: Exposure of persons to or generation of any new noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies if any, will be temporary in nature during the construction of the building and associated improvements. All City noise standards are required to be met and maintained upon completion of construction. Grading and construction will be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work will be done on Sundays or national holidays.</i>				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: See XI a.</i>				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: See XI a</i>				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Comment: See XI a</i>				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: See VII e.</i>				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: See VII e.</i>				

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: Three residential condominiums are proposed. The increase in population will not be substantial.</i>				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: No housing will be removed.</i>				

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: See XII b.

XIII. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.				

b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XIII a.

c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XIII a.

d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XIII a.

e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: No other public facilities will be significantly impacted.

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will not add enough people to cause substantial physical deterioration of recreational facilities in the area. The developer will be required to pay in-lieu park fees which will help maintain existing parks.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The proposal includes a group open space, however it will not cause an adverse physical effect on the environment.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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XV. TRANSPORTATION/TRAFFIC -- Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The project will add minimal traffic. Residents, guests, customers and employees have the opportunity to use mass transit to access the project site.

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XV a.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will not affect air traffic patterns.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The proposal will not substantially increase hazards.

- e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.

- f) Result in inadequate parking capacity?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The proposal will meet the requirements for parking as specified in the City's Off-Street Parking regulations. Parking requirements will likely be satisfied by providing some parking on-site and by paying in-lieu fees for the remainder of the spaces. A parking analysis prepared by DJS Associates dated 8/13/03 (see Exhibit A) documents that adequate parking is available within walking distance to the project.

- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project does not conflict with adopted policies supporting alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will not exceed wastewater treatment requirements.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>Comment: The City's existing wastewater treatment facilities are capable of handling the wastewater generated by the project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>Comment: The project will require the construction of a small storm water drainage system that will tie into the existing public system in the adjacent street right-of-way. The construction of this system will not cause any significant environmental effects.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <i>Comment: The City of Hayward supplies water to the site and has sufficient water to serve the project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? <i>Comment: The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? <i>Comment: Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? <i>Comment: The project study area participates in the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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OCT 09 2003

PLANNING DIVISION

August 13, 2003

Sanjiv Bhandari
BKBC Architects Inc.
1371 Oakland Boulevard, Suite 101
Walnut Creek, CA 94596

Subject: Hayward Parking Analysis**P03032**

Dear Mr. Bhandari:

DKS is pleased to present this revised letter that addresses parking for the proposed "B" Street Mixed-Use Development. As requested by City of Hayward staff, DKS conducted additional field visits to the project site in Hayward to observe on-street parking utilization during the weekday midday (12 p.m. to 2:00 p.m.) and weekend midday (10 a.m. to 12:00 p.m.) periods. In addition, the Municipal Lot No. 4 located between 1129 and 1147 "B" Street and the church parking lot (project site) were also observed. DKS has previously observed and evaluated on-street and off-street parking utilization during the weekday afternoon (4:00-6:00 p.m.) peak period.

The study areas was defined as extending from Foothill Boulevard in the west, to 2nd Street in the east, and from "A" Street in the north, to "C" Street in the south, see **Figure 1**.

1.0 STUDY METHODOLOGY

The following survey methodology was employed in order to determine the appropriate parking demand for each site surveyed.

On-Street Parking – the number of parked vehicles and available spaces were counted in 15-minute intervals. On-street parking was observed along 2nd Street from "A" Street to "C" Street and along "B" Street from Foothill Boulevard to 2nd Street.

Project Site – the number of parked vehicles were counted in 15-minute intervals. The project site, located at the southwest corner of "B" St and 2nd Street, is currently vacant and used as a parking lot for the church adjacent to the project site. The number of spaces was estimated, as the lot is not striped or marked for individual parking stalls.

Private Lots – the number of parked vehicles were counted during the study period, in 15-minute intervals. The private lot that was observed is located across from the proposed project site at 22551 "B" Street.

Municipal Lot No. 4 – the number of parked vehicles spaces were counted within Municipal Lot No. 4 along “B” Street, in 15-minutes intervals.

2.0 DATA COLLECTION

Parking utilization surveys were conducted in the study area in the month of January 2003 and August 2003. Weekday afternoon (4:00 p.m. to 6:00 p.m.) surveys were conducted in the month of January 2003. Weekday midday (12:00-2:00 p.m.) and weekend midday (10:00 a.m.-2:00 p.m.) surveys were conducted in the month of August 2003. Based on the data collected, the parking space inventory consists of:

On-Street:

- 27 – 2 hour parking spaces
- 3 – 24 minute spaces
- 3 passenger loading zone spaces
- 6 unrestricted spaces

Municipal Lot No. 4:

- 32 – 2 hour parking spaces
- 12 – 5 hour parking spaces
- 80 – No Time Limit (no parking allowed from 1:00 a.m. to 5:00 a.m.) spaces
- 3 – Handicap spaces

One private lot was also observed within the study area at 22551 “B” Street. It provides 53 parking spaces for building tenants and visitors.

3.0 EXISTING PARKING UTILIZATION

Based on the parking utilization surveys, parking along B street experiences the highest demand between 12 noon and 1:00 p.m., while parking along 2nd Street South is underutilized and generally 100% available (see **Table 1**). Municipal Lot No. 4 however, experiences the highest parking demand between the hours of 12:30 noon to 1:30 p.m., at 70%-80% occupancy. On-street parking along 2nd Street (north) experiences its highest demand between the hours of 12:15 p.m. to 1:15 p.m. The private lot located at 22551 “B” Street experience its highest demand between 12:00 noon and 1:00 p.m., at 70%-80% occupancy.

During the weekday afternoon peak hours, parking along “B” street is about 67% occupied, compared to Municipal Lot No. 4 at 50% occupancy. The private lot located at 22551 “B” street experiences 100% capacity from 4:00 p.m. to 4:45 p.m. Parking on-street along 2nd Street and within the project site remains underutilized and generally 100% available. **Table 2** illustrates the weekday afternoon peak hour parking utilization.

During the weekend midday peak, parking along “B” Street is about 80% occupied between 10:15 a.m. and 11:15 a.m., while Municipal Lot No. 4 experiences about 20% occupancy. On-street parking along 2nd Street, within the study area, remains

underutilized and 100% available. **Table 3** illustrates the weekday afternoon peak hour parking utilization.

4.0 PARKING ANALYSIS

City Code Requirements

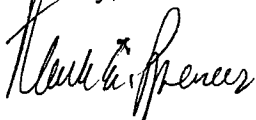
Based on information provided by City of Hayward staff, the project is in a Central Parking District. Parking standards for non-residential land uses are 1.0 parking space per 315 square feet of gross floor area (gfa), and 1.0 covered space and 0.50 open space per dwelling unit for residential land uses. For the proposed 2,500 square-foot retail development, the project would require 8 on-site parking spaces ($2,500 \text{ s.f.} / 315 \text{ s.f.} = 7.93 = 8 \text{ spaces}$), and 5 spaces for residential (3 covered and 1.5 open spaces for the residential development).

Based on the provided site plan, the proposed project would provide a total of 3-parking spaces for the retail development and 6-parking spaces (3 garages with a capacity of 2 vehicles each) for the residential development. With the requirements of 8 parking spaces for the retail development, the proposed development would not satisfy the City of Hayward Parking Space Standards, and there would be a shortfall of 5 parking spaces. The proposed project would have to pay the in-lieu fee for 5 spaces. The parking needs of the residential development would be accommodated on-site with the provision of 6 spaces.

Due to the potential overflow of parking, vehicles would most likely use available parking along 2nd Street between "A" Street and "C" Street, which has some unrestricted spaces as well as time-limited spaces. In addition, vehicles could potentially make use of the off-street parking available at Municipal Lot No. 4 located on "B" Street between Foothill Boulevard and 2nd Street, where there is typically available parking throughout the day. No parking impacts in the site vicinity are anticipated as a result of the proposed project, based on the availability of adjacent parking.

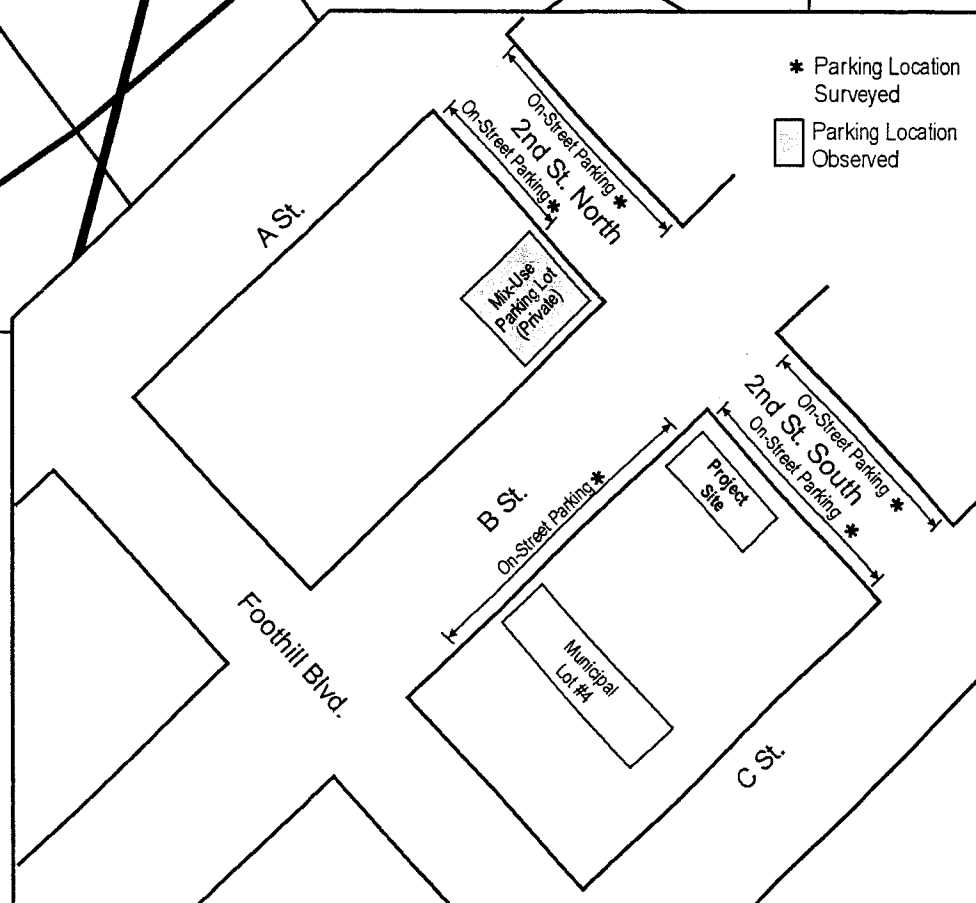
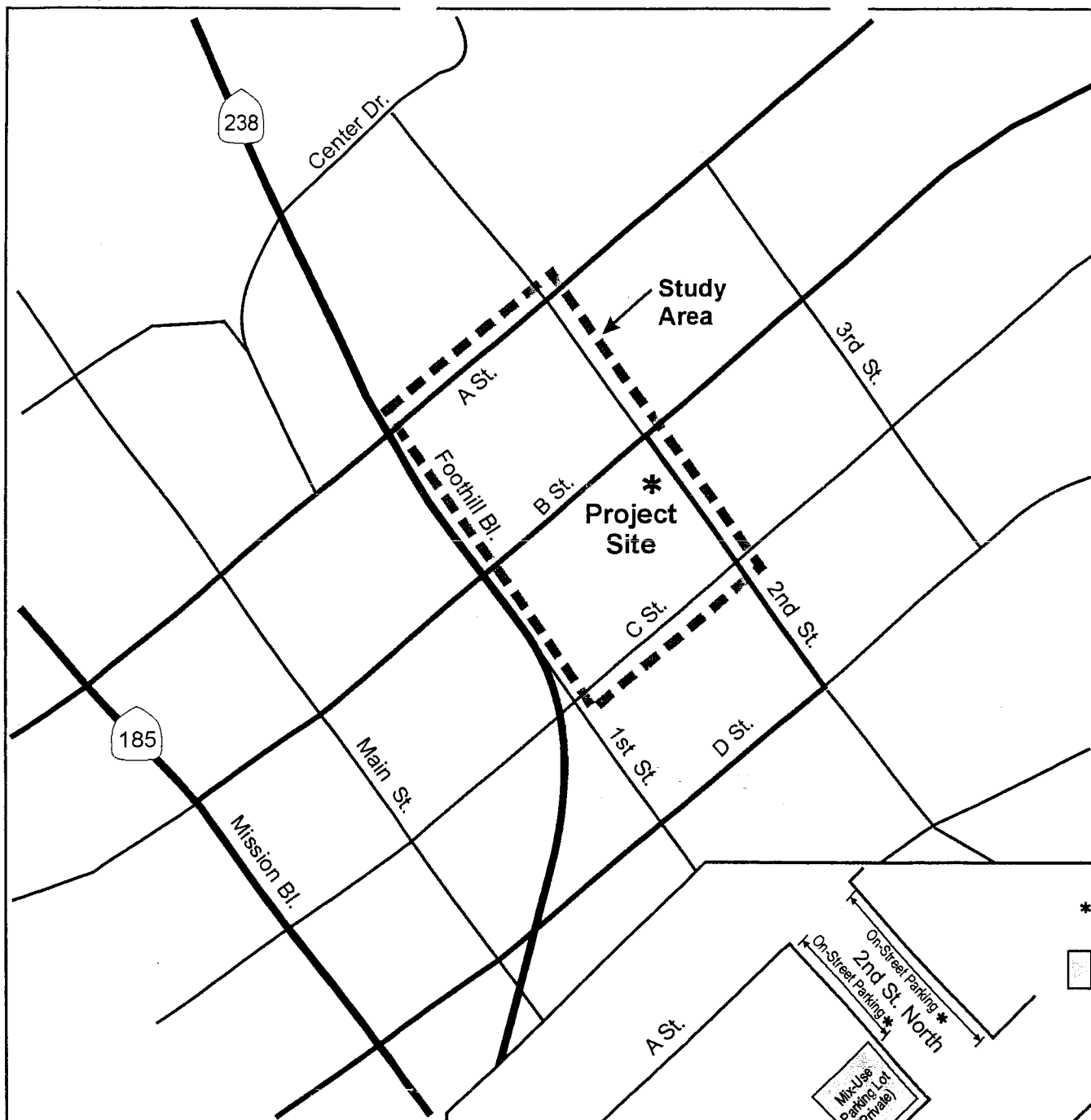
Please do not hesitate to contact me at (408) 292-9411 if you have any questions.

Sincerely,



Mark E. Spencer, P.E.
Principal

cc: Dr. Dharam Salwan



- * Parking Location Surveyed
- Parking Location Observed

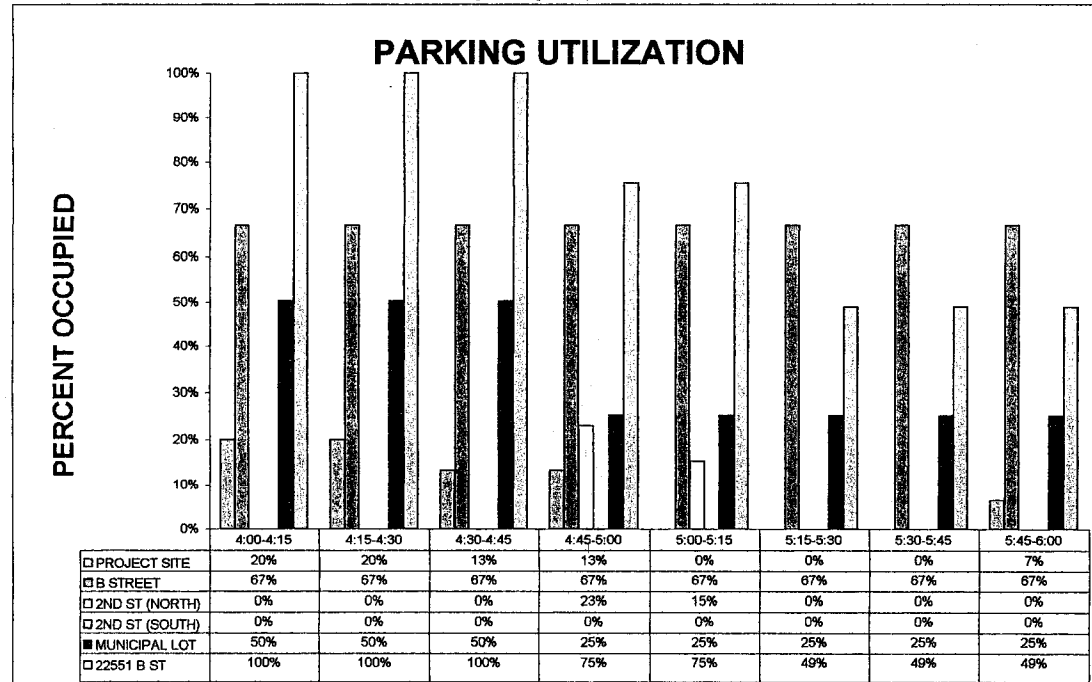
DKS Associates

Figure 1
Study Area

TABLE 2
WEEKDAY P.M. PEAK
PARKING UTILIZATION

Time	Project Site		B Street*		2nd Street (north)		2nd Street (south)		Municipal Lot No. 4 (B Street)		22551 B Street (retail center)	
	Capacity (spaces)	15	Capacity (spaces)	9	Capacity (spaces)	13	Capacity (spaces)	17	Capacity (spaces)	127	Capacity (spaces)	63
	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)
4:00-4:15	3	20%	6	67%	0	0%	0	0%	64	50%	53	100%
4:15-4:30	3	20%	6	67%	0	0%	0	0%	64	50%	53	100%
4:30-4:45	2	13%	6	67%	0	0%	0	0%	64	50%	53	100%
4:45-5:00	2	13%	6	67%	3	23%	0	0%	32	25%	40	75%
5:00-5:15	0	0%	6	67%	2	15%	0	0%	32	25%	40	75%
5:15-5:30	0	0%	6	67%	0	0%	0	0%	32	25%	26	49%
5:30-5:45	0	0%	6	67%	0	0%	0	0%	32	25%	26	49%
5:45-6:00	1	7%	6	67%	0	0%	0	0%	32	25%	26	49%

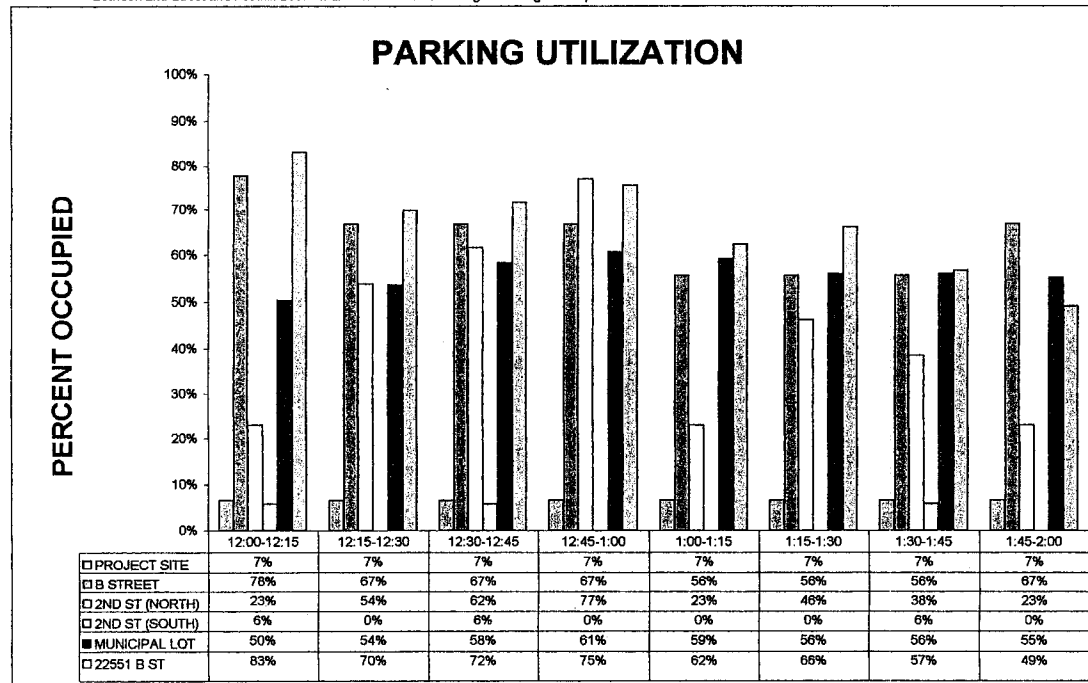
* Between 2nd Street and Foothill Boulevard. It includes 3 - Passenger Loading Zone spaces



**TABLE 1
WEEKDAY MIDDAY PEAK
PARKING UTILIZATION**

Time	Project Site		B Street*		2nd Street (north)		2nd Street (south)		Municipal Lot No. 4 (B Street)		22551 B Street (retail center)	
	Capacity (spaces)	15	Capacity (spaces)	9	Capacity (spaces)	13	Capacity (spaces)	17	Capacity (spaces)	127	Capacity (spaces)	53
	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)
12:00-12:15	1	7%	7	78%	3	23%	1	6%	64	50%	44	83%
12:15-12:30	1	7%	6	67%	7	54%	0	0%	68	54%	37	70%
12:30-12:45	1	7%	6	67%	8	62%	1	6%	74	58%	38	72%
12:45-1:00	1	7%	6	67%	10	77%	0	0%	77	61%	40	75%
1:00-1:15	1	7%	5	56%	3	23%	0	0%	75	59%	33	62%
1:15-1:30	1	7%	5	56%	6	46%	0	0%	71	56%	35	66%
1:30-1:45	1	7%	5	56%	5	38%	1	6%	71	56%	30	57%
1:45-2:00	1	7%	6	67%	3	23%	0	0%	70	55%	26	49%

* Between 2nd Street and Foothill Boulevard. It includes 3 - Passenger Loading Zone spaces



MITIGATION MONITORING PROGRAM

Site Plan Review Application No. PL-2002-0648
Variance No. PL-2003-0669
Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)
Dr. Dharam Salwan (Owner).

22605 2nd Street

1. *AESTHETICS*

Mitigation Measure: A lighting plan will be required to show that light fixtures will only illuminate the site and not the sky above it or surrounding properties.

Implementation Responsibility: Applicant

Verification Responsibility: Planning Division

Monitoring Schedule during Plan Review: Prior to issuance of building permits.

Monitoring Schedule during Construction/Implementation: Building Inspector will ensure that lights are installed per approved plan.

2. *AGRICULTURE RESOURCES—No mitigation required*

3. *AIR QUALITY*

Mitigation Measure: In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.

Implementation Responsibility: Applicant

Verification Responsibility: Construction Inspector

Monitoring Schedule during Plan Review: Prior to issuance of a grading permit.

Monitoring Schedule during Construction/Implementation: Construction Inspector will ensure that sprinkling is done as necessary to minimize dust.

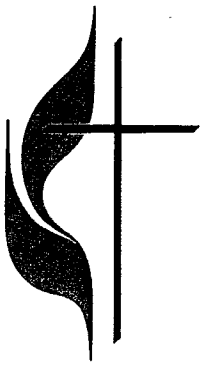
4. *BIOLOGICAL RESOURCES—No mitigation required*

5. *CULTURAL RESOURCES – No mitigation required*

6. *GEOLOGY AND SOILS—No mitigation required*

7. *HAZARDS AND HAZARDOUS MATERIALS—No mitigation required*

8. *HYDROLOGY AND WATER QUALITY– No mitigation required*
9. *LAND USE & PLANNING– No mitigation required*
10. *MINERAL RESOURCES– No mitigation required*
11. *NOISE– No mitigation required*
12. *POPULATION & HOUSING – No mitigation required*
13. *PUBLIC SERVICES– No mitigation required*
14. *RECREATION– No mitigation required*
15. *TRANSPORTATION/TRAFFIC– No mitigation required*
16. *UTILITIES AND SERVICE SYSTEMS– No mitigation required*



First United Methodist Church

1183 B STREET • HAYWARD, CALIFORNIA 94541

TELEPHONE (510) 581-2266

RECEIVED

December 2, 2002

DEC 02 2002

PLANNING DIVISION

Erik J. Pearson, AICP
Associate Planner
Planning Division
777 "B" Street
Hayward, CA 94541

Dear Mr. Pearson:

On behalf of First United Methodist Church I am registering our strong objection to the building proposal by Salwan Property Management for "mixed-use" at 22605 2nd Street.

Any building on this site will mean that many of our ministries will be seriously hampered or impossible to continue. We have been in ministry, serving the needs of the people of Hayward and the cause of Christ since 1853. We have been in our current location since 1866. We believe that our ministries are of benefit to the entire community of Hayward, and their disruption would have a detrimental effect on the city as a whole.

We also have certain objections to the specific plans which we have reviewed. These include:

1. Only six (6) feet of access is allowed to our back gate. This is a drive in-gate which requires at least 12 to 14 feet of access.
2. The proposed building is of such height so as to block off all sunlight and air circulation to the east side of our building which includes offices and classrooms.
3. The signage located on the northeast corner of our building would be obscured.
4. Prior to the widening of 2nd Street, the northern portion of the lot in question contained the former Kelly Gasoline Station and we are concerned about the possibility that there may still be tanks containing hazardous chemicals underneath the excavation site.
5. The curb cut onto 2nd Street is in nearly the same location as a former curb cut which the City of Hayward closed a number of years ago. If the city closed it for safety reasons, do those reasons still exist today?
6. Parking for persons attending activities at the church will be seriously restricted.

I look forward to our further conversations on this matter and an opportunity to address the Planning Commission with these concerns.

In Christ's Service,

Randal F. Smith
Pastor

ATTACHMENT E

B-41

LUPE COMPEAN
936 HARRIET AVENUE
CAMPBELL, CALIFORNIA 95008
408.828.4085

January 7, 2003

Richard E. Patenaude, AICP
City of Hayward
777 B Street
Hayward, CA 94541-5007

Dear Mr. Patenaude,

Thank you for meeting with John Crockett and I last week regarding my property on 2nd Street. I understand that you have given the right to the property owners of 22529 2nd Street to pay a fee of \$46,000.00 in lieu of adequate on site parking for the office building currently under construction. Prior to the development of 22529 2nd Street, the building adjacent at 22521 2nd Street used the lot as their parking site. The development of the property has left the existing property with inadequate parking facilities. The proposed building located at 22605 2nd Street is also slated to have parking requirements waived for the fee. The shortages of parking are compensated with the required public parking within 500 feet but the lure of free parking right next door [to the above mentioned properties] is too hard to resist for most people. No one will park a block or two away from their destination when there is parking right next door. The average visitor parks in my parking lot, even with the posted "restricted parking" signs. The added impact of vehicles in my lot will have a negative effect on my tenants as well as my ability to rent my property in the future.

It would be nearly impossible to monitor the parking activity without hiring a private security company to verify the intentions of each car entering my property. This type of monitoring would have serious financial implications and is not an acceptable solution to the current situation.

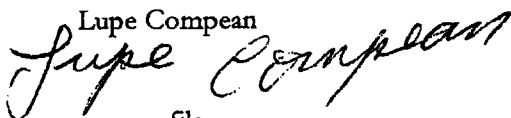
Had I received notification that the City of Hayward was considering such a plan I would have vigorously fought the proposal to eliminate the parking. It is unfair that these building owners take advantage of my property for their economic gain. They have nothing to lose after their fee is paid. I on the other hand stand to incur ongoing losses associated with inadequate facilities and in some cases breach leases that set forth promises of available parking spaces.

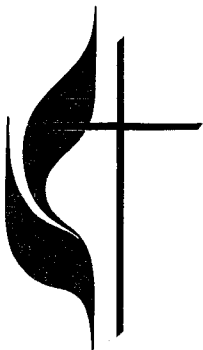
I did not receive proper notification of the proposals. I do not have a problem with receiving mail at my residence; I find it interesting that I did not receive either of the two letters allegedly sent to me regarding these two buildings. I do not intend to stand idly by while this is going on. I want some sort of action taken to insure that the proposed buildings are not allowed to build without adequate parking and that the building located at 22529 2nd Street is required to take whatever steps are necessary to insure me that under no circumstances that any of their tenants or visitors park in my lot. If this comes down to the owners monitoring my lot by private patrol then that is what I expect.

I again appreciate you taking the time to meet with me and discuss my concerns. I am confident that a speedy and mutually agreeable resolution can be made.

I look forward to hearing from you soon.

Regards,

Lupe Compean

cc: file
J. Crockett



First United Methodist Church

1183 B STREET • HAYWARD, CALIFORNIA 94541

TELEPHONE (510) 581-2266

December 3, 2003

RECEIVED

DEC 3 2003

PLANNING DIVISION

Erik J. Pearson, AICP
Associate Planner
Planning Division
777 "B" Street
Hayward, CA 94541

Dear Mr. Pearson:

On behalf of First United Methodist Church I am registering our continued strong objection to the building proposal by Salwan Property Management for "mixed-use" at 22605 2nd Street.

Any building on this site will mean that many of our ministries will be seriously hampered or impossible to continue. We have been in ministry, serving the needs of the people of Hayward and the cause of Christ since 1853. We have been in our current location since 1866. We believe that our ministries are of benefit to the entire community of Hayward, and their disruption would have a detrimental effect on the city as a whole.

While we appreciate that some of the concerns we raised a year ago have been addressed, we still have certain objections to the specific plans which we have reviewed. These include:

1. While the current plans indicate that access to our back gate may be possible, this is still unclear, and the curb and landscaping would have to be removed so that vehicles could enter.
2. The lighted signage located on the northeast corner of our building would be obscured. Any change in the signage would come at a financial cost to the church and would decrease our visibility to the community.
3. We are grateful that Phase I and Phase II environmental studies were carried out and we support the recommendation that the underground tanks and potentially harmful materials be removed prior to any construction on the site. We require assurances that any such removal would be done in a safe manner that would not impair the health of our members.
4. At the present time, we place our trash for removal on the northwest corner of the proposed building site, moving it there from behind our buildings on pick-up day. If this development is constructed we will need to develop some alternative procedure such as shared dumpster space.
5. Adequate parking remains a serious issue. While studies conducted by the City may show that there is available parking in the area on a normal weekday, our experience has been that parking for special events, such as our recent 150th Anniversary Celebration, is severely inadequate without the space provided by the current lot.

I look forward to our further conversations on this matter and an opportunity to address the Planning Commission with these concerns.

In Christ's Service,

Randal F. Smith
Pastor

B-44

MINUTES



REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD
Council Chambers
Thursday, December 11, 2003, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Zermeno, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bogue, McKillop, Sacks, Fraas, Halliday, Thnay
CHAIRPERSON Zermeno
Absent: COMMISSIONER None

Staff Members Present: Anderly, Conneely, Gaber, Looney, Pearson, Patenaude

General Public Present: Approximately 25

PUBLIC COMMENT

Chairperson Zermeno announced that items 3 and 4 would be continued until January 22, 2004.

AGENDA

1. Site Plan Review No. PL-2002-0648 and Variance No. PL-2003-0669 - Sanjiv Bhandari for BKBC Architects, Inc. (Applicant) / Dr. Dharam Salwan (Owner) - Request to Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and a Variance to Allow Parking Within 5-Foot Rear Yard Setback - The property is located at 22605 Second Street, at the Corner of B Street
2. Tentative Parcel Map 8206 PL-2003-0501 and Variances to Property Dimensions - Mary Costa (Owner/Applicant) - Request to Subdivide a Parcel, Approximately 9,454 Square-Feet, into Two Residential Parcels and to Allow a Variance for the Reduction of Minimum Lot Width - The Project is Located at 1210 D Street
3. Use Permit PL-2003-0075 - Pick-Your-Part Auto Wrecking (Applicant/(Owner) - Request to Continue Operation of an Automobile Dismantling/Recycling Business - The Project is Located at 2885 West Winton Avenue
4. Revocation of Use Permit Application No. 80-3 E & J Auto Wreckers / Daniel Wheat (Owner) - For an Auto Wrecking Facility - The Project is Located at 2851 West Winton Avenue

PUBLIC HEARINGS

1. Site Plan Review No. PL-2002-0648 and Variance No. PL-2003-0669 - Sanjiv Bhandari for BKBC Architects, Inc. (Applicant) / Dr. Dharam Salwan (Owner) - Request to

Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and a Variance to Allow Parking Within 5-Foot Rear Yard Setback -The property is located at 22605 Second Street, at the Corner of B Street

Commissioner Halliday stepped down for this item since the property in question was next door to her church and she thought she might not be impartial.

Associate Planner Pearson gave the staff report and explained the history of the project. This proposal is for an 8,800 sq. foot building. The size of the building is modified from his previous application. Although the Downtown Design Plan encourages a four-foot setback on buildings, staff supports the applicant's request for no setbacks from the sidewalk to continue the present street pattern, and encourage pedestrian activity. He noted that the applicant has submitted a parking study documenting that there are parking spaces available in Municipal Parking Lot Number 4. He then explained the reasoning behind the opposition of various neighbors including the business building across the street and from the church next door. He explained the need for the variance. He noted that although the church would like to continue access through the gate at the back of the property, they do not have an easement. Staff recommended adoption of the plan.

Commissioner McKillop asked about the gate at the church toward the back of the property and whether there would be access to the area.

Associate Planner Pearson explained that the only access from the back of the church property to the street would be along a corridor for foot-traffic, but not for an automobile.

There was discussion regarding additional parking variances.

Associate Planner Pearson explained that any future variance requests would have to go through the regular public hearing process.

Chairperson Zermeno asked about the safety of removing underground equipment related to the former service station and how safe it would be to the public.

Associate Planner Pearson explained the process for the Fire Department monitoring the site and the approval process. The Hazardous Materials Division of the Fire Department would have to approve any clean up of the area.

Commissioner Sacks asked about implications on the time frame for the project if there is extensive clean up.

Associate Planner Pearson indicated that the permit would be good for one year. If extensive clean up is required or needed, the applicant could apply for an extension.

In response to Chairperson Zermeno's question regarding the business owner across the street and her concerns about illegal parking, staff reported that she had not been contacted.



However, Associate Planner Pearson reported that the parking study shows that there is adequate parking in the municipal parking lot and sufficient on-street parking.

Principal Planner Patenaude added that he has spoken with the owner in regards to another near by project and has advised her as to signage in enforcing parking regulations.

The public hearing opened at 7:45 p.m.

Nancy Schluntz, a congregation member of the First United Methodist Church, appreciated the changes to this project. These are an improvement. She pointed out that only two parking spaces will be lost, but the lot itself is used and filled to capacity quite often. As to the easement question, there is no legal or recorded easement for members use of the lot. The rear gate has been available since 1979 at least. She said the Church regrets that the former owner did not notify them that the property was going to be sold, therefore neither the issue of an easement nor access were addressed. They would like to request the conditions include recommendation of an access easement and the site plan modified to accommodate that access.

Randall Smith, pastor of the Church, said thus far the changes made in the plans to the building are appreciated, but asked for an access easement to the back gate. Also the staff report does not address concerns related to both the traffic pattern and safety issues regarding the curb cut onto Second Street. There is nothing about a study regarding the curb cut and the traffic patterns. He thought the size of the project was inappropriate to the size of the lot. The Church is still against approval of the project. The density is not reasonable. The lot's size indicates the project is inappropriate.

Cecilia Van Hooten said she lives next door to the property. She said the drawing of the project is not the same picture as that shown on the site. She wondered whether the City ever checks the public parking lot for maintenance issues, which is next to the telephone company. No one else checks it. She said she has asked Mr. Salwan to make the corner a parking lot.

Commissioner McKillop asked her about her house.

Mrs. Van Hooten said her house is located on Second and C Street.

Liz Morales, a Commpre organizer, said she was speaking for the Eden Youth leaders. This property is across from their offices. Project Eden Youth Services is across the street. She was addressing the use for the retail space, and expressed opposition to any liquor sales in this location.

Lupe Compean, owner of the building at B and Second, discussed the parking problems related to another nearby building owned by Mr. Salwan. She said she would have her lawyer fight against the building. There is no parking. She presented a letter discussing the parking in the area. She stated that she is very against the building.

Commissioner Sacks asked her about the parking in her lot now.

Ms. Compean explained that presently there is no parking for the construction trucks.

Chairperson Zermeño asked staff about the present construction going on.

Commissioner Fraas asked whether her building conforms to parking requirements. She was told the parking requirements could be met by on-site parking in addition to the payment of in-lieu fees.

Sanjiv Bhandari, architect for the project, discussed the redesign of the project and the re-submittal. He noted that based on previous comments, studies on parking were done as well as a soils analysis. He discussed the design saying they were trying to achieve a harmonious but uplifting corner. He said they created a base line and colors, which were carried from other nearby buildings. In answering questions regarding the tank in the ground, he noted that there is no tank. The gas station was there more than 50 years ago so the level of contamination is below the hazardous level. Everything will be removed according to regulations. He stated they are also building another building on the other side. He stated they have looked at the whole block, since Dr. Salwan just bought a building on A Street. They will be working to continue to upgrade the buildings. Regarding the questions about the activities and parking, presently there is illegal parking on B Street. He said the access is not conforming. Dr. Salwan was willing to sell the lot to the church, and was willing to listen to joint proposals. The new building under construction is Dr. Salwan's building where he will have his offices.

Commissioner Fraas expressed confusion as to why the required parking was not incorporated within the many iterations of the designs. She said she had previously worked across the street and the parking is horrendous.

Commissioner Thnay asked about access from the church in the back for a gate.

Mr. Bhandari explained about their handicapped space and the need for handicap access which would be compromised were a gate installed to the church property.

Commissioner Bogue asked about pedestrian access through the back of the property. He then asked about the price for which they were offering the lot to the Church.

Mr. Bhandari said it would be the same price as a few years ago. The same price which Dr. Salwan paid, including the cost of the work they have put into the plans and project.

Commissioner Bogue asked whether they had ever had any plans that met the parking requirement for this site.

Mr. Bhandari explained that was why they moved to a residential design. This would be the smallest you can build on this lot. He added that he could not respond to the number of tenants or shops in the retail space since it is economically driven.



Chairperson Zermeño discussed access to the back and being a "Good Neighbor." He suggested allowing walking through the parking lot to the gate.

Mr. Bhandari said they could be open to that.

Commissioner Sacks asked staff whether the access is part of the Commission's deliberation or something the two property owners should decide.

Assistant City Attorney Conneely explained that the question of access or an easement is a property owner decision. The City of Hayward would violate the constitution by taking one part of a property and giving it to another.

Commissioner Sacks then asked the applicant about the parking survey and parking spaces. She asked him to state the implications of the survey.

Mr. Bhandari explained that DKS Associates did the survey and evaluated parking. They determined that there are sufficient spaces available within walking distance to this lot. Dr. Salwan has also purchased another lot on the other side of the house, which would be available for parking.

Frank Marymee commented about the impact on the church as a downtown church. They are serving a lot of people and different organizations that would not be served. He suggested it would behoove the Commission to protect the concept of a downtown church.

John Marks, also a member of the congregation, said he thought this project was a practical joke. There is not enough room; it is built right on the sidewalk. He said he could not understand who would want to live there and what business would be practical.

The public hearing was closed at 8:25 p.m.

Principal Planner Patenaude explained that staff worked with the applicant for as much parking on the site as would be viable. Any additional parking would require another drive aisle and eliminate a corner retail shop that would not be a benefit to the applicant. This was a matter of maximization of parking and the building. Thus the reason for fees in lieu of parking where it is not practical to provide parking on the site, as long as there is parking within a reasonable distance of the site.

Commissioner Thnay suggested trusting the judgment of staff and the "smart growth" downtown plan. The concept is to get people to live and work downtown, and to use and enjoy the amenities of the downtown area. He cited the parking study and referred to public parking on City Lot 4. He said he was sure there was not a serious parking problem in this area based on the study by DKS and staff's conclusion. This is something to brighten up the area and the land. He said he would like to see it. As to the easement, even though the City of Hayward

cannot do anything in this regard, the applicant indicates that he is willing to talk to the church. He added that he does appreciate Dr. Salwan's commitment to downtown Hayward.

Commissioner Fraas expressed confusion regarding the driveway cut onto Second Street and whether there has been discussion about the traffic dangers of this cut.

Principal Planner Patenaude explained that the cut is as far from the intersection as possible. The traffic engineers agree that this is the best solution.

Commissioner Fraas indicated that the church reported that the present curb cut was closed because it was dangerous.

Associate Planner Pearson explained that he could find no reason why it was closed.

Commissioner Bogue asked about the condominiums and why no parcel map was included. There will be four units, three residential and one commercial unit to comprise the Homeowner's Association. He asked why there was not a parcel map. He then asked what things would be charged to commercial owners and which charged to residents. He asked how this would be determined.

Development Review Engineer Gaber explained that a parcel map would be required to subdivide the spaces. He noted the parcel map would be required, reviewed and approved by the County. As to the Homeowners/Commercial Association, the City of Hayward would see and review a joint association agreement.

Planning Manager Anderly explained that the applicant would be required to prepare the documents and show them to staff, at which point staff could ask for modification to the documents if unreasonable or unfair.

Commissioner Sacks moved, seconded by Commissioner Bogue, approval for the staff recommendation.

Commissioner Sacks indicated that there were a couple of issues that keep surfacing. She noted that on the site plan portrayal, the applicant has not built up to the side property line, although the Church had done so. The space between the two projects is a gift to the church. She noted that parking has gone from 0 to 9 legal spaces on this lot. There is also plenty of parking within walking distance.

Commissioner McKillop said she saw two issues. One is the church access to the rear and parking. Since it is clear the Planning Commission cannot require access, it is not an issue for the Commission to require it. As to parking, the applicant has redesigned to accommodate parking. He has also proposed the option of further parking on another near-by site, which indicates the applicant is working hard to address the issues brought by the church. She added that the open space is also a gift to the church, so she would be supporting the motion as well.

Commissioner Bogue said he would also be supporting the motion since it is an improvement over the previous project. He wanted friendly amendments to the motion to include decorative



architectural lighting on the building, and suggested that grates be a requirement around the street trees. He commented that this project is smaller than the previous proposal. This building wraps around the corner and has setbacks. He wanted to insure that there is no fence proposed between this building and the church. The owner and church would have to work out maintenance of the landscaping between them. He then asked for a friendly amendment requiring that no fence be built along the length of the church building on the property line between the properties.

Mr. Bhandari said he thought this was a valid comment. He said they had intended to put a fence at the edge of the building. If the church allows, they will carry it to the wall of the church both at the back and the front of the property. There is no intention of building a fence between the properties to run the length of the properties.

Commissioner McKillop then asked about the interface between Mrs. Van Houghton house and this property. She then asked for a friendly amendment proposing the applicant to provide good neighbor fence between the residence and the property. This was accepted.

Planning Manager Anderly said staff would work it out with both parties.

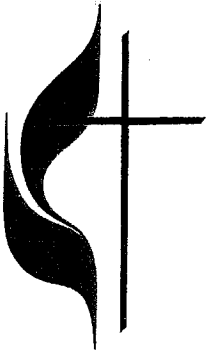
Commissioner Fraas explained that her biggest concern is that the applicant needs to work with the church and neighbors. They have been there a long time and contribute a great deal to the City of Hayward. As to the parking, it seems arbitrary, when one developer makes a presentation they wave the requirement and then not. She suggested an evaluation on the consistency in the area. She said she would not be supporting the motion because of parking.

Chairperson Zermeño asked about consideration for uses of no liquor. He added that he would hope applicant would work with a "good neighbor policy." Because there is no fence, the developer needs to work on their relationship. He indicated he would not like to see a parking lot on that corner. This will be good for downtown and might be the best use for that area.

Principal Planner Patenaude explained that any proposal for a liquor store or that type of use would be brought before the commission.

The motion carried by the following vote:

AYES:	COMMISSIONERS	Thnay, Sacks, McKillop,
		Bogue
	CHAIRPERSON	Zermeño
NOES:	COMMISSIONER	Fraas
ABSENT:		None
ABSTAIN:		Halliday



First United Methodist Church

1183 B STREET • HAYWARD, CALIFORNIA 94541

TELEPHONE (510) 581-2266

cc: City Manager ✓
Sylvia Ehrental, CED Director
Dyana Anderly, Planning

FWD: 12/19/03 mtr

December 19, 2003

Richard E. Patenaude, AICP
City Planner
City of Hayward
777 "B" Street
Hayward, CA 94541-5007

Dear Mr. Patenaude,

On December 11, 2003, the Hayward Planning Commission approved on a vote of 5 to 1 with 1 abstention the following item:

Site Plan Review No. PI-2002-0648 & Variance No. PI 2003-0669 –
Request to Construct a Mixed-Use Building with Ground-Floor Retail and
Three Second Floor Condominiums and a Variance to Allow Parking
within 5-feet Rear Yard Setback – Sanjiv Bhandari for BKBC Architects,
Inc. (Aplicant)/ Dr. Dharam Salwan (Owner)

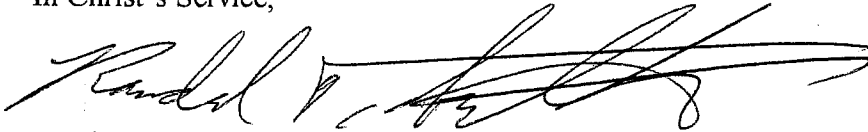
We are formally appealing this decision to the Hayward City Council on the following grounds:

1. Prior to being purchased by the current owner, the lot was used for parking, both by us and by others in the neighborhood. We continue to see parking lots in the City covered over with buildings, decreasing the number of total available parking spaces. If the City of Hayward wishes to encourage business in the downtown area, more parking is needed, not less.
2. The plan, as proposed, does not allow access to our rear gate which is used by church employees, FESCO volunteers, maintenance contractors, Boy Scout Troop 801 and others who need vehicular access to the rear of our buildings.
3. While the plan meets the density requirements for a Central City—Commercial (CC-C) Zoning District, we question the wisdom of building such a large structure on a narrow lot. The residential and retail space provided would be impractical, and likely unrentable.

4. At the Planning Commission hearing, all three of the project's nearest neighbors protested its approval, and one of the Planning Commissioners who used to work in the neighborhood raised serious concerns. Does the City really want to encourage new construction over the objections of those who live and work nearby?

We look forward to an opportunity to address the City Council on this matter.

In Christ's Service,

A handwritten signature in black ink, appearing to read "Randal F. Smith", with a long horizontal flourish extending to the right.

Randal F. Smith, Pastor

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 04-

Introduced by Mayor _____

mmc
1/2/04

RESOLUTION DENYING APPEAL AND UPHOLDING THE
PLANNING COMMISSION'S ADOPTION OF THE
MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING PLAN AND APPROVAL OF
SITE PLAN REVIEW APPLICATION NO. PL 2002-0648 AND
VARIANCE APPLICATION NO. PL-2003-0669,
CONCERNING A REQUEST FOR A MIXED-USE
(RESIDENTIAL/COMMERCIAL) BUILDING AND A
VARIANCE TO ALLOW PARKING WITHIN A 5-FOOT
REAR YARD SETBACK

WHEREAS, in 2001 Dr. Dharam Salwan (Owner) submitted Site Plan Review Application No. PL 01-130-13 which concerned a proposal for a two-story, 9,700 square-foot commercial project at the corner of Second and B Streets which included 8 parking stalls and the payment of in-lieu parking fees for the remaining 23 spaces that were required; and

WHEREAS, the Planning Commission voted to continue the project to allow time to study the availability of parking in the area and address concerns of limited parking stalls; and

WHEREAS, in November 2002 the property owner submitted a new application (PL-2002-0648) for a building with 2,500 square feet of retail space on the ground floor and three residential condominiums on the second floor, and a parking study documenting that parking is available throughout the day within a reasonable walking distance (200 feet) of the development; and

WHEREAS, the project requires a variance to locate the loading space for the disabled parking space 3' 10" from the rear property line where 5 feet is required and should have a negligible impact on the neighboring church; and

WHEREAS, Randal F. Smith, Pastor of the adjacent church appealed the Planning Commission's approval of the action indicating the inadequate downtown parking, the access to the rear gate of the church would be discontinued, the project is too large for the site and the project should not have been approved over objections of those who live and work nearby; and

WHEREAS, a Mitigated Negative Declaration has been prepared and processed pursuant to the requirements of the California Environmental Quality Act; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines:

1. That approval of Site Plan Review Application No. PL 2002-0648 and Variance Application No. PL-2003-0669, as conditioned, will not cause a significant impact on the environment as documented in the Initial Study. A Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act Guidelines.

SITE PLAN REVIEW

2. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the proposal continues the storefront street pattern existing along B Street;
3. The development takes into consideration physical and environmental constraints in that any underground equipment and/or hazardous materials will be required to be disposed of to the satisfaction of the Hayward Fire Department;
4. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines and the Downtown Design Plan;
5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that retail and residential use of the property is expected to generate few if any external impacts;

VARIANCE

6. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints such as the narrow shape of the lot and the fact that the current lot size is the result of the widening of Second Street. The lot is significantly narrower than other commercial properties on this portion of B Street;
7. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification in that the current state and federal laws require larger loading spaces than were required of older existing parking lots;

8. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Other parking lots in the area would be given the same consideration for disabled loading spaces within the required setback area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the appeal of the Planning Commission's adoption of the mitigated negative declaration, mitigation monitoring plan, approval of Site Plan Review Application No. PL 2002-0648 and Variance Application No. 2003-0669, regarding a modified proposal to construct a two-story 2,500 square foot commercial/residential facility, is hereby denied, and the project is approved, subject to the conditions of approval attached hereto.

IN COUNCIL, HAYWARD, CALIFORNIA January, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward